

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) LUIS C ALVAREZ, and)	
(2) DIANA J. ALVAREZ)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-22-33-G
)	
(1) LANDSTAR RANGER INC.,)	Removed From
(2) SUSAN CROSSEN,)	Custer County District Court
)	Case No. CJ-2021-65
Defendants.)	

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE PARTIES
AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, Pursuant to 28 U.S.C. §1441, Defendant Susan Crossen (hereinafter “Defendant Crossen”), hereby removes this action from the District Court of Custer County, State of Oklahoma, to the Federal District Court in the Western District of Oklahoma pursuant to 28 U.S. § 1332, 1441(a), and 1446. As grounds for removal, Defendant respectfully informs the Court of the following:

PROCEDURAL REQUIREMENTS

1. Pursuant to 28 U.S.C. § 1446(d), Defendant Crossen will serve written notice of the filing of this Notice of Removal upon Plaintiffs and will file a copy of the Notice of Removal with the Clerk of the District Court in and for Custer County, State of Oklahoma.

2. Pursuant to LCvR 81.2, a copy of the State Court Action docket sheet and all documents filed in the State Court Action are attached as Exhibits 1-5. (See Ex. 1 – Custer County Court Docket Sheet; Ex. 2 – Plaintiffs’ Petition; Exhibit 3(a) – (b) Summons; Exhibit 4 (a) – (b) Entries of Appearance; and Exhibit 5(a) – (b), Return of Summons. There is no scheduling order in the State Court Action. There are no pending motions. Defendants have not yet served their responsive pleadings.

BACKGROUND INFORMATION

3. On August 20, 2021, Plaintiffs filed their Petition in the District Court of Custer County, State of Oklahoma, with the case caption *Luis C. Alvarez, and Diana J. Alvarez v. Landstar Ranger, Inc. and Susan Crossen*, Case No. CJ-2021-65 (“State court action.”) See Exhibit 2, Plaintiffs’ Petition.

4. Plaintiffs seek damages in excess of \$75,000. *Id.*

5. The subject lawsuit involves a motor vehicle collision that occurred on August 10, 2020, at the intersection of Highway 54 and County Road 1050 just south of the city of Weatherford located in Custer County, Oklahoma. It is alleged that Defendant Crossen was acting as the driver of a pilot car for an oversized load hauled by Defendant Landstar Ranger, Inc. when Defendant Crossen negligently blocked the roadway while Defendant Landstar Ranger, Inc. negligently made a turn across the roadway resulting in Plaintiff Luis C. Alvarez, who was approaching from the opposite direction, making an emergency maneuver to avoid an accident with the Defendants thereby resulting in a single vehicle accident involving Plaintiff Luis C. Alvarez. *Id.*

6. Upon information and belief Plaintiffs are residents of Custer County, Oklahoma, and are thus citizens of the State of Oklahoma for purposes of diversity. *Id.*

7. Defendant Crossen is a resident of Little Rock, Arkansas, and is thus a citizen of the State of Arkansas for purposes of diversity. *Id.*

8. Defendant Landstar Ranger, Inc. is a Delaware corporation with its principal place of business in Jacksonville, Florida. *Id.* Thus, Defendant Landstar Ranger, Inc. is a citizen of Delaware and Florida for purposes of diversity.

9. Upon information and belief Defendant Landstar Ranger, Inc. was served with a summons and a copy of Petition on December 22, 2021. Exhibit 5(a), Return of Summons.

10. Upon information and belief Defendant Crossen was served with a summons and a copy of Petition on December 23, 2021. Exhibit 5(b), Return of Summons.

JURISDICTION

11. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S. §§ 1441 and 1446 and based on diversity of citizenship between the Plaintiffs and Defendants under 28 U.S.C. § 1332 and as alleged above.

12. Upon information and belief, as derived from Plaintiffs' Petition, Plaintiffs seek an amount in excess of this Court's jurisdictional minimum of \$75,000.00, excluding interest and costs stated in 28 U.S.C. § 1332. *See* Exhibit 2.

13. Further, this Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b) and the Federal Courts Jurisdiction and Venue Clarification Act of

2011 (“JVCA”), because thirty (30) days since the last Defendant was served has not elapsed.

14. Further, Defendant Crossen has consulted with Defendant Landstar Ranger, Inc. regarding removal and Defendant Landstar Ranger, Inc. has consented to the removal.

15. Additionally, pursuant to the same Federal Statute, one year has not elapsed since the commencement of this action.

16. Removal is being made to the proper Federal District Court. The pertinent language of 28 U.S.C. § 1446(a) provides that the Defendant shall file the Notice of Removal in “[T]he District Court of the United States for the district and division within which such action is pending.” 28 U.S.C. § 1446(a). This matter is being removed from the District Court of Custer County, State of Oklahoma, a county within the confines of the Western District of Oklahoma. See 28 U.S.C. § 116(a).

17. Based on the above referenced statements and allegations removal of this matter to this Court is proper.

CONCLUSION

This case is proper for removal to this Court based upon diversity of citizenship between the parties. Plaintiffs are citizens of Custer County and all Defendants joined in this lawsuit have citizenship outside the state of Oklahoma. The amount of damages Plaintiffs seek exceeds the amount in controversy threshold. This Notice of Removal is timely filed and all Defendants consent to the removal. Therefore, all requirements for jurisdiction in this Court are satisfied.

Respectfully Submitted,

s/Nicholaus A. Hancock

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January 2022, I electronically transmitted the foregoing/attached document to the Clerk of Court using the ECF System for filing. Counsel for Defendant further caused the foregoing/attached pleading to be served upon all counsel of record via U.S. Mail, postage prepaid, to:

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s/ Nicholaus A. Hancock